

THIRTY-EIGHTH DAY

(Tuesday, March 18, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Garland
Allen	Gilmer
Allison	Goodman
Alsup	Halsey
Avant	Hanna
Bailey	Hardeman
Baker	Hargis
Bean	Harris of Dallas
Bell	Harris of Hill
Benton	Hartzog
Blankenship	Heflin
Boone	Helpinstill
Brawner	Henderson
Bray	Hileman
Bridgers	Hobbs
Brown	Howard
Bruhl	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Huffman
Burnaman	Hughes
Carlton	Humphrey
Carrington	Hutchinson
Cato	Isaacks
Celaya	Jones
Chambers	Kelly
Clark	Kennedy
Cleveland	Kersey
Coker	Kinard
Colson, Mrs.	King
Connelly	Knight
Craig	Lansberry
Crossley	Little
Crosthwait	Love
Daniel	Lowry
Davis	Lucas
Deen	Lyle
Dickson of Bexar	McAlister
Dickson of Nolan	McCann
Donald	McDonald
Dove	McGlasson
Dwyer	McMurry
Ellis	McNamara
Eubank	Manning
Evans	Markle
Favors	Martin
Ferguson	Matthews
Files	Mills
Fitzgerald	Montgomery
Fuchs	Moore
Gandy	Morgan

Morris	Skiles
Morse	Smith of Bastrop
Murray	Smith of Atascosa
Nicholson	Spacek
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Stubbs
Price	Taylor
Rampy	Thornton
Reed of Bowie	Turner
Reed of Dallas	Vale
Ridgeway	Voigt
Roark	Walters
Roberts	Wattner
Rhodes	Weatherford
Senterfitt	White
Sharpe	Whitesides
Shell	Winfree
Simpson	

Absent—Excused

Anderson	Lock
Duckett	McLellan
Klingeman	Manford
Lehman	Sallas
Leyendecker	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thou hast been good to us in marvelous ways. Our material blessings, our health and strength of body and mind, and Thy spiritual blessings humble us in Thy presence. May we have faith in God, and rejoice in the privilege of service. Let Thy presence be and remain with us, and do Thou give fruit to our efforts as they may please Thee. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Anderson for today on motion of Mr. Dwyer.

The following Members were granted leaves of absence on account of illness:

Mr. Sallas and Mr. Lock for today on motion of Mr. Ferguson.

Mr. Daniel temporarily for today on account of illness in family on motion of Mr. Avant.

Mr. Lehman for today on motion of Mr. Turner.

Mr. McLellan for today on motion of Mr. Lyle.

Mr. Klingeman for today on motion of Mr. Thornton.

Mr. Manford for today and yesterday on motion of Mr. Kinard.

Mr. Leyendecker for today on motion of Mr. Bridgers.

Mr. Duckett for today and the balance of the week on motion of Mr. Hobbs.

APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 271

The Speaker announced the appointment of the following Conference Committee on House Bill No. 271:

Messrs. Reed of Dallas, Howard, Gilmer, Allison and Kelly.

NAMING MRS. BESS ODELL BEE-
MAN TEXAS POET OF RADIO

Mr. Carrington offered the following resolution:

H. C. R. No. 72, Naming Mrs. Bess Odell Beeman Texas Poet of Radio.

Whereas, Mrs. Bess Odell Beeman, resident of Austin, Texas, and for ten years an elective officer of the Texas House of Representatives, a Texas writer and poet, who is nationally recognized as a Texas poet of radio and who contributes her poems each week day to programs on WOAI, San Antonio, Texas, and on request programs over KNOW and KTBC, Austin, Texas; and

Whereas, Mrs. Bess Odell Beeman is well known and loved by citizens of Texas; now, therefore,

Be it resolved, by the House of Representatives, the Senate concurring, That Mrs. Bess Odell Beeman of Austin, Texas, be accorded the honor and distinction of being designated Texas Poet of Radio for the next two years.

CARRINGTON,
STANFORD.

The resolution was read second time and was adopted.

TO GRANT PERMISSION TO SUE
THE STATE

Mr. Whitesides offered the following resolution:

H. C. R. No. 73, To Grant Rogers Hale and Homer Sessions Permission to Sue the State.

Whereas, Rogers Hale and Homer Sessions, composing the partnership firm of Hale and Sessions, building contractors, Arp, Texas, did certain repair work in the nature of stuccoing the Main Building of the Rusk State Hospital; and

Whereas, certain laborers employed on this job have filed claims with the State Board of Control for a deficiency claimed in wages in connection with their services alleged by them to have been performed for said contractors, and by which they claim they were not paid the wage scale provided in the contract, between the State of Texas and the contractors; and

Whereas, As a result of the claim filed by these laborers with the Board of Control, the said Board of Control is holding as retainage a certain sum of money which said Hale and Sessions claim is rightfully theirs and should be paid to them, and

Whereas, Hale and Sessions wish to enter into litigation to settle this matter with respect to the claim presented by certain laborers as above stated, and

Whereas, it will be necessary to name the State of Texas and the State Board of Control as parties to this suit, now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That Rogers Hale and Homer Sessions, composing the partnership firm of Hale and Sessions, be, and they are hereby granted permission to make the State of Texas and the State Board of Control parties defendant in a suit to settle the respective claims of Hale and Sessions and certain laborers employed by Hale and Sessions on the stuccoing job at the Rusk State Hospital in respect to the retainage fund held by the State Board of Control; provided that services of citation and/or any other necessary process may be had upon the State of Texas by service upon the Attorney General, and

upon the State Board of Control by service upon any member of that Board.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

HOUSE JOINT RESOLUTION NO. 4 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas regulating the eligibility of civil officers and employees of this State as candidates for nomination for, or election to, an elective office of honor, trust or emolument.

The resolution was read second time.

Mr. Reed of Bowie offered the following amendment to the resolution:

Amend H. J. R. No. 4, page 1, line 17, by striking out the word and figures, Fifteen hundred dollars and inserting in lieu thereof word and figures two thousand dollars.

The amendment was adopted.

Mr. Dickson of Bexar offered the following amendments to the resolution:

Unanimous consent to amend H. J. R. No. 4 by changing the date for holding the election to August 23, 1941.

Unanimous consent to amend H. J. R. No. 4 by inserting at proper place the words, "to be known as Section 62 of Article 16."

The amendments were severally adopted.

Mr. Pace moved that further consideration of H. J. R. No. 4 be postponed until next Tuesday, March 25.

On motion of Mr. Dickson of Bexar the motion to postpone was tabled.

House Joint Resolution No. 4 was then passed by the following vote:

Yeas—129

Allen	Hobbs
Allison	Howard
Alsup	Howington
Avant	Hoyo
Bailey	Huddleston
Baker	Huffman
Bean	Hughes
Bell	Humphrey
Benton	Hutchinson
Boone	Jones
Brawner	Kelly
Bray	Kennedy
Brown	Kersey
Bruhl	Kinard
Bullock	King
Bundy	Knight
Burkett	Little
Burnaman	Love
Carlton	Lowry
Cato	Lucas
Celaya	Lyle
Chambers	McAlister
Clark	McCann
Cleveland	McGlasson
Coker	McMurry
Colson, Mrs.	McNamara
Connelly	Manning
Craig	Markle
Crossley	Martin
Crothwait	Matthews
Daniel	Mills
Davis	Montgomery
Deen	Moore
Dickson of Bexar	Morgan
Dickson of Nolan	Morris
Donald	Morse
Dove	Murray
Dwyer	Nicholson
Ellis	Parker
Eubank	Pevehouse
Evans	Phillips
Favors	Price
Ferguson	Rampy
Files	Reed of Bowie
Fitzgerald	Reed of Dallas
Gandy	Ridgeway
Garland	Roark
Gilmer	Roberts
Goodman	Rhodes
Halsey	Senterfitt
Hanna	Sharpe
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Skiles
Hartzog	Smith of Bastrop
Hefin	Smith of Atascosa
Helpinstill	Spacek
Henderson	Spangler
Hileman	Stanford

Stinson	Wattner
Taylor	Weatherford
Thornton	White
Turner	Whitesides
Vale	Winfree
Walters	

Nays—4

Bridgers	Harris of Hill
Carrington	Pace

Absent

Blankenship	McDonald
Fuchs	Stubbs
Isaacks	Voigt
Lansberry	

Absent—Excused

Anderson	Lock
Duckett	McLellan
Klingeman	Manford
Lehman	Sallas
Leyendecker	

Mr. Dickson of Bexar moved to reconsider the vote by which the resolution was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 7
ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas to provide free textbooks for children of scholastic age attending any private, church, parochial school or academy, or any orphan asylum of Texas, at the election of such schools to use such textbooks.

The resolution was read second time.

Question: Shall House Joint Resolution No. 7 be passed?

HOUSE BILL NO. 373 ON SECOND
READING

The Speaker laid before the House, as Special Order for this hour, its second reading and passage to engrossment,

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal pur-

poses and the transportation, storage and sale thereof by amending subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency."

The bill was read second time.

Mr. Blankenship moved that he be permitted to yield, at this time, for the purpose of taking up and considering H. J. R. No. 10.

The motion prevailed.

HOUSE JOINT RESOLUTION NO.
10 ON SECOND READING

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the district courts shall consist of 12 persons, and in the county court of 6 persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

The resolution was read second time.

Mr. Reed of Dallas offered the following amendment to the resolution:

Amend H. J. R. No. 10 by striking out all after the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 19 of Article 16 of the Constitution of Texas be amended so as to hereafter read as follows:

"Sec. 19. The Legislature shall prescribe by law the qualification of grand and petit jurors; provided

that the qualification of no person shall be denied or abridged on account of sex."

Sec. 2. Existing provisions of the Constitution shall be construed in conformity with Section 1.

Sec. 3. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, A. D. 1942, at which all ballots shall have printed thereon:

"For the amendment to the State Constitution qualifying women as grand and petit jurors."

"Against the amendment to the State Constitution qualifying women as grand and petit jurors."

Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment.

Sec. 4. The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the Constitution and Laws of this State; and return shall be made and the votes canvassed and counted as provided by law; and if said amendment is adopted by the required vote of the qualified electors of this State, the Governor shall issue his proclamation as required by law.

Sec. 5. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby appropriated out of the State Treasury for publication of the proclamation calling said election and any expense of the State in submitting said amendment and holding said election.

Mr. McNamara offered the following amendment to the amendment by Mr. Reed of Dallas:

Amend House Joint Resolution No. 10 by adding the following at the end of Section I:

"Further providing that it shall never be mandatory on any person of the female sex to serve on either Grand or Petit Juries."

McNAMARA,
GILMER.

The amendment by Mr. McNamara was adopted.

Question then recurring on the amendment by Mr. Reed of Dallas, as amended, it was adopted.

Mr. Reed of Dallas offered the following amendment to the resolution:

Amend H. J. R. No. 10 by striking out all above the resolving clause and substituting in lieu thereof the following:

"Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose."

The amendment was adopted.

House Joint Resolution No. 10 was then passed by the following vote:

Yeas—106

Allen	Dove
Allison	Dwyer
Alsup	Eubank
Avant	Evans
Baker	Favors
Bean	Ferguson
Bell	Files
Benton	Garland
Blankenship	Gilmer
Boone	Goodman
Bray	Halsey
Bridgers	Hanna
Brown	Hardeman
Bruhl	Hargis
Bundy	Harris of Dallas
Burkett	Harris of Hill
Carlton	Heflin
Cato	Henderson
Celaya	Hileman
Chambers	Howington
Cleveland	Hoyo
Coker	Huddleston
Colson, Mrs.	Huffman
Connelly	Humphrey
Craig	Hutchinson
Crossley	Isaacks
Crothwait	Kelly
Deen	Kennedy
Dickson of Bexar	Kersey
Dickson of Nolan	Kinard

King	Phillips
Knight	Price
Little	Reed of Bowie
Love	Reed of Dallas
Lowry	Ridgeway
Lucas	Roark
Lyle	Sharpe
McAlister	Simpson
McCann	Skiles
McDonald	Smith of Bastrop
McMurry	Spacek
Manning	Spangler
Markle	Stanford
Matthews	Stinson
Mills	Stubbs
Montgomery	Taylor
Moore	Thornton
Morgan	Turner
Morris	Vale
Morse	Wattner
Nicholson	White
Pace	Whitesides
Pevehouse	Winfree

Nays—28

Bailey	Hughes
Bullock	Jones
Burnaman	Lansberry
Carrington	McNamara
Clark	Martin
Davis	Murray
Donald	Parker
Ellis	Rampy
Fitzgerald	Roberts
Fuchs	Rhodes
Gandy	Senterfitt
Hartzog	Smith of Atascosa
Helpinstill	Walters
Hobbs	Weatherford

Absent

Brawner	Shell
Howard	Voigt
McGlasson	

Absent—Excused

Anderson	Leyendecker
Daniel	Lock
Duckett	McLellan
Klingeman	Manford
Lehman	Sallas

REASON FOR VOTE

I am opposed to jury service for women. However, the question seems of such importance to the general public that I believe the people as a whole should be given the right to pass on same—hence my vote to submit the proposal.

BURKETT.

HOUSE BILL NO. 373 ON PAS-
SAGE TO ENGROSSMENT

The Speaker laid before the House, on its passage to engrossment,

H. B. No. 373, Relative to prescriptions for liquor for medicinal purposes, etc.

The bill having been read second time on this morning.

Mr. Blankenship offered the following committee amendment to the bill:

Amend House Bill No. 373 by striking out all below the enacting clause and inserting in lieu thereof the following:

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Subsection (18), Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, be further amended so as to hereafter read as follows:

(18) Medicinal Permits. The owner of a pharmacy properly qualified as a pharmacy under the laws of this State shall be entitled to receive a Medicinal Permit and to buy and dispense liquor at such pharmacy for medicinal purposes only. And such pharmacy must be a bona fide pharmacy, continuously operated and continuously located for a period of not less than two (2) years in the particular justice precinct, incorporated town or city in which located at the time a permit is sought; provided, however, no pharmacy which has moved within two (2) years immediately preceding the date of application into an incorporated town or city shall be entitled to a permit, and such pharmacy for which a permit is sought must, for a continuous period of two (2) years immediately preceding the date of application for a permit, have been registered with the State Board of Pharmacy and have had for such time employed in its service at all times a registered pharmacist. No permit shall be issued to any pharmacy previously holding a Medicinal Permit which had been cancelled

after the effective date of this Act within a period of two (2) years from the date such cancellation had become effective.

Each and every applicant for a permit must present with such application a certificate issued by the State Board of Pharmacy, showing the registration record with that Board during the preceding two (2) years.

A pharmacy permit shall be cancelled by the Board or Administrator if the pharmacy for which the permit was issued moves into an incorporated town or city wherein such pharmacy has not been continuously located for a period of two (2) years or moves from the particular justice precinct in which the permit was issued.

It shall be unlawful for any holder of a Medicinal Permit, or the agent, servant, or employee thereof, to:

(a) Sell or dispense any liquor except upon a prescription issued by the holder of a Physician's Permit as required by this Act.

(b) Sell or dispense any liquor upon a prescription which does not meet the specifications required by this Act.

(c) Sell or dispense any liquor more than once on any prescription required by this Act.

(d) Sell or dispense any liquor upon a prescription bearing a date more than three (3) days prior to the date upon which the prescription is presented for filling.

(e) Sell or dispense any liquor not meeting the standards established by the United States Pharmacopoeia.

(f) Sell or dispense any liquor upon a prescription with knowledge of the fact that such prescription was written without physical examination of the patient by the physician prescribing such liquor.

(g) Sell or dispense any liquor to any person with knowledge of the fact that the name of the person to whom the prescription was issued is other than the true name of such person.

(h) Sell or dispense any liquor for any other than medicinal purposes.

(hh) Permit any liquor to be consumed on the premises.

(i) Sell or dispense more than one (1) pint of liquor to any one person in any one day.

(j) Sell or dispense any liquor to any person without having first obtained physical possession of the prescription for such liquor.

(k) Sell or dispense any liquor upon a prescription bearing any false statement or information.

(l) Sell or dispense any liquor without first carefully examining the prescription upon which such sale is made.

(m) Prepare any prescription for liquor.

(n) Have in physical possession more than ten (10) gallons of liquor at any one time.

(o) Fail to preserve and keep for a period of two (2) years for inspection of any representative of the Board, or any peace officer or county or district attorney, at all times, any prescription upon which liquor has been sold.

(p) Fail to make or keep and to produce upon demand of any representative of the Board, or any peace officer or county attorney or district attorney, for a period of two (2) years, any other records required by the Board to be made and kept.

(q) Fail to make any report to the Board within the time required for such report to be made.

(r) Make or cause to be made to the Board any report required to be made which is false in any particular.

(s) Fail or refuse to divulge to any representative of the Board or to any peace officer or to any county or district attorney any information concerning the purchase, storage, or disposal of liquor.

(t) Compensate in any manner any physician in this State for writing a prescription; or to guarantee to any physician any income, more or less, for the writing of prescriptions for liquor.

(u) Sell or dispense liquor in any one week, beginning Sunday at midnight, upon prescriptions exceeding in number prescriptions filled for other medicines, excluding narcotics.

(v) Fail to affix to any container of liquor sold a label bearing in the English language the full name and address of the pharmacy making the sale, name and address of the physi-

cian prescribing, the full name and address of the patient to whom the sale is made, directions for use, and the signature of the pharmacist filling the prescription; or to fail to place on such label the number of the prescription being filled.

(w) Purchase or acquire stocks of liquor from any other person except the holder of a Wholesaler's Permit in Texas.

(x) Sell or dispense any liquor, with or without a prescription, to any person under the age of twenty-one (21) years, unless such person presents with such prescription a written consent of a parent or guardian upon which liquor may be prescribed and sold to such person; or to fail to file written consent with the prescription for such liquor.

(y) Sell or dispense any liquor, with or without a prescription, to any person showing evidence of intoxication.

(z) Fail to produce prescriptions for each container of liquor disposed of or unaccounted for.

The Board shall have the right by rule and regulation to require the keeping of records and the making of reports such as it may deem necessary, and to pass rules and regulations governing permit holders in order to properly enforce the provisions of this Act.

The annual permit fee for a Medicinal Permit for pharmacies in dry areas shall be Ten Dollars (\$10.00), and in wet areas the annual fee shall be the same as the annual fee for a Package Store Permit.

Sec. 2. Amend Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, by the addition of a new Subsection (19), to read as follows:

(19) **Physician's Permits.** A physician licensed by the State Board of Medical Examiners, authorizing the administration of internal medicine to human beings, may obtain a Physician's Permit. Such permit shall qualify such physician to write prescriptions for medical purposes, subject to restrictions herein contained.

No person who has been convicted for any violation of this Act, or who has had any permit provided by this

Act cancelled within two (2) years preceding the date of filing an application for a permit, shall be entitled to a Physician's Permit.

Each applicant for a permit must present with the application a certificate issued by the State Board of Medical Examiners, showing qualification to hold a permit under the terms of this Act.

The annual fee for such permit shall be One Dollar (\$1.00).

It shall be unlawful for any physician to:

(a) Prescribe liquor for any purpose unless he be the holder of a Physician's Permit.

(b) Prescribe liquor for any other than medicinal purposes.

(c) Issue prescriptions for liquor to any person without first having made a physical examination of the patient's person for the purpose of determining the disease or ailment afflicting such person.

(d) Issue to any person a prescription which does not bear thereon in the English language all of the information required by the specifications for prescriptions as defined by this Act.

(e) Accept any sort of compensation or guarantee as to income or material benefit from any holder of a Medicinal Permit for writing a prescription, or prescriptions, for medicinal liquor.

(f) Prescribe more than one (1) pint of liquor to any one person in any one day.

(g) Prescribe liquor to any person showing evidence of intoxication.

(h) Prescribe liquor to any person under any name other than the true name of the person for whom such liquor is intended.

(i) Prescribe liquor for any person under the age of twenty-one (21) years, unless with the written consent of such person's parent or guardian.

(j) Fail or refuse to make and keep for a period of two (2) years any record of prescriptions issued for liquor as may be required by the Board; or to fail to make any reports as and when required by the Board; or to fail to divulge any information or to produce any records as to the issuance of prescriptions when called upon to do so by any representative of the Board, or any

peace officer, or by any county or district attorney.

(k) Issue in the aggregate of more than One Hundred (100) prescriptions in any period of ninety (90) days, beginning from the date designated by such physician in any order placed with the Board for such prescriptions.

Forms for prescriptions as referred to herein shall be only those forms prescribed and furnished by the Board in such form and manner as the Board may by rule and regulation determine. Such prescriptions, when issued, must bear thereon the date of issuance; the name and address of the issuing physician; the name, address, sex, and age of the patient; diagnosis of the disease or ailment of the patient; amount and type of liquor prescribed; directions as to the use by the patient; and the signature of the issuing physician. The prescribing of liquor on any form not obtained from the Board or in any manner not meeting the requirements herein specified shall be in violation of this Act. The Board shall have authority to adopt such regulations as to the printing of and issuance of prescription blanks, the keeping of records of prescriptions issued, the making of reports, and the disposal of unused, mutilated or defaced blanks, as it may deem necessary to require physicians to strictly conform to the provisions of this Act.

Sec. 3. Amend Subsection (11), Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, so as to hereafter read as follows:

(11) Carrier Permit. The word "carrier" when used in this Section shall mean and include water carriers, airplane lines, all steam, electric, and motor power railway carriers, and common carrier motor carriers operating under a certificate of convenience and necessity issued by the Railroad Commission of Texas or such certificates issued by the Interstate Commerce Commission. The holders of such certificates shall be authorized to transport liquor into and out of this State and between points within this State. Such car-

riers shall furnish such information concerning the transportation of liquor as may be required by the Board. The restrictions contained in this Section shall not apply when in the course of an interstate or foreign shipment of liquor it is necessary to cross the State in the course of such transportation.

It shall be unlawful for any carrier to hold or store any liquor consigned to the holder of a Medicinal Permit for a period of time exceeding seventy-two (72) hours from the time of receipt, at any terminal or storage place where such liquor is to be received by the consignee.

The annual fee shall be Five Dollars (\$5.00).

Sec. 4. The amendment of any section or any portion of a section of the Texas Liquor Control Act by the enactment of this bill shall not affect or impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such amendment shall take effect; but every such act done or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents as if such section or part thereof amended had remained in force. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any section or part thereof shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if prior statute or part thereof had not been repealed or amended.

Sec. 5. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the courts to be unconstitutional, such holding shall not affect the validity of the remaining portion of the Act; and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 6. The fact that the present law is inadequate to restrict the sales of liquor under Medicinal Permits to strictly medicinal purposes, and that the Local Option Laws of this State

are being largely nullified, thereby creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three (3) several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

WINFREE.

(Pending consideration of the committee amendment, Mr. Gilmer occupied the Chair temporarily.)

(Speaker in the Chair.)

Question: Shall the committee amendment be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, March 18, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 33, Authorizing the lending of guard wire by the Highway Department to Jefferson County.

Passed

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official Court reporter in and for each District Court, Criminal Court, and County Court of Bexar County, etc., and declaring an emergency."

Adopted

H. C. R. No. 69, Expressing regret at the death of the Honorable R. M. Johnson.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate Bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 184, to the Committee on Judiciary and Uniform State Laws.

ADDITIONAL SIGNER OF HOUSE BILLS

By unanimous consent of the House, the following member was authorized to sign bills as co-author of same, as follows:

Mr. Pace: House Bill Nos. 696 and 697.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 60, Authorizing the loan of certain highway equipment.

H. C. R. No. 61, Authorizing the loan of certain highway equipment.

H. C. R. No. 62, Authorizing the loan of certain highway equipment.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bruhl:

H. B. No. 754, A bill to be entitled "An Act providing that members of the Commissioners' Court in counties having a population of not less than 5,990 nor more than 6,000 according to the last preceding Federal Census, may receive each, the sum of \$25.00 per month for traveling expenses, said sum to be paid out of the road and bridge fund of said county; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bruhl:

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that otherwise the fishing laws of H. B. No. 1114, Acts of the 46th Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Gandy:

H. B. No. 756, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand (30,000) nor more than thirty thousand two hundred fifty (30,250), according to the last preceding Federal Census, the Commissioners' Court shall have the authority to fix the per diem rate of pay for county prisoners working or serving out a fine, at not less than One Dollar (\$1) per day nor more than Three Dollars (\$3) per day; and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

Mr. Alsup moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Kersey moved that the House recess until 2:30 o'clock p. m. today.

The motion to adjourn prevailed and the House accordingly at 12:30 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: H. B. Nos. 392, 499, 567 and 594.

Game and Fisheries: H. B. Nos. 724, 747 and 755.

School Districts: H. B. Nos. 615, 618 and 723.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman of Austin, Texas, as Texas Poet of Radio for the next two years.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 71, Inviting the President of the United States to address a Joint Session.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 60, Authorizing the State Highway Department to lend to the City of Wortham enough guard rails to protect five thousand (5,000) lineal feet around the Water Tower.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 61, Authorizing the State Highway Department of Texas to lend the City of Teague a quantity of discarded guard rails.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 17, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 62, Authorizing the State Highway Department of Texas to lend to the City of Fairfield, Free-

stone County, enough guard rails to properly protect eight hundred (800) lineal feet around the city water tower, ground tank, and pump station.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

March 18, 1941

House Bill No. 445.

House Concurrent Resolution No. 11.

House Concurrent Resolution No. 60.

House Concurrent Resolution No. 61.

House Concurrent Resolution No. 62.

THIRTY-NINTH DAY

(Wednesday, March 19, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Chambers
Allen	Clark
Allison	Cleveland
Alsup	Coker
Avant	Colson, Mrs.
Bailey	Connelly
Baker	Craig
Bean	Crossley
Bell	Crosthwait
Benton	Daniel
Blankenship	Davis
Boone	Deen
Brawner	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Donald
Brown	Dove
Bruhl	Dwyer
Bullock	Evans
Bundy	Ellis
Burkett	Eubank
Burnaman	Favors
Carlton	Ferguson
Carrington	Files
Cato	Fitzgerald
Celaya	Fuchs

Gandy	Manning
Garland	Markle
Gilmer	Martin
Goodman	Matthews
Halsey	Mills
Hanna	Montgomery
Hardeman	Moore
Hargis	Morgan
Harris of Dallas	Morris
Harris of Hill	Morse
Hartzog	Murray
Heflin	Nicholson
Helpinstill	Pace
Henderson	Parker
Hileman	Pevehouse
Hobbs	Phillips
Howard	Price
Howington	Rampy
Hoyo	Reed of Bowie
Huddleston	Reed of Dallas
Huffman	Ridgeway
Hughes	Roark
Humphrey	Roberts
Hutchinson	Rhodes
Isaacks	Senterfitt
Jones	Sharpe
Kelly	Shell
Kennedy	Simpson
Kersey	Skiles
Kinard	Smith of Bastrop
King	Smith of Atascosa
Klingeman	Spacek
Knight	Spangler
Lansberry	Stanford
Lehman	Stinson
Leyendecker	Stubbs
Little	Taylor
Love	Thornton
Lowry	Turner
Lucas	Vale
Lyle	Voigt
McAlister	Walters
McCann	Wattner
McDonald	Weatherford
McGlasson	White
McMurry	Whitesides
McNamara	Winfree

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, the earth is Thy handiwork, and man is the creature of Thy power. We pray for a sin-cursed, war-torn world; and